

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

UNITED STATES OF AMERICA)
Plaintiff.)

V.)

CASE NO. 02:CR-393-40(PG)

JOSE LUIS MORALES RODRIGUEZ)
-----)

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

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----- PRO SE MOTION TO VACATE, SET ASIDE, OR CORRECT THE SENTENCE -----

TO THE HONORABLE COURT:

COMES NOW, JOSE LUIS MORALES RODRIGUEZ, Defendant Pro Se, a person in custody under a judgment of this Honorable Court who seeks a determination that the sentence is subject to collateral review as provided by Fed.R.Crim.P 11(b)(1)(m);(e), Fed.R. Gov.Sec. 2255 P.1(a)(4), the applicable Local Rules.

----- I. JURISDICTIONAL STATEMENTS -----

ON APRIL 8, 2008, I JOSE LUIS MORALES RODRIGUEZ defendant, was while understanding this HONORABLE COURT'S obligation to apply the sentencing guidelines and the terms of a plea-agreement provision waiving the right to appeal the sentence under Fed. R.Crim. P11(b)(1)(m)-(n), found guilty of an confession in open court, pursuant to Fed.R.Crim.P.11(a), USSG Sec. 681.2, 28 USC, sec 994 (a)(2)(e), and the article III, section 3, clause 1 of the CONSTITUTION OF THE UNITED STATES.

Base on the above, I do believe that this Honorable Court may reduce my term of imprisonment to time serve, after considering the factors set forth in 18 USC., Sec. 3553(a) to extent that they are applicable.

DECLARATION

The defendant states that he was assisted with this motion by a bilingual inmate, here at MDC Guaynabo. The defendant further states that all statements contained in this document are true and correct to the best of his knowledge; he signs his name as proof of this under penalty of perjury pursuant to 28 U.S.C. 1746.

DATED: APRIL 8,2008

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, reading "Jose L. Morales Rodriguez". The signature is written in a cursive, flowing style.

JOSE LUIS MORALES RODRIGUEZ

23587-069

METROPOLITAN DETENTION CENTER

P.O. BOX 2005

CATAÑO P.R. 00963-2005

UNITED STATES DISTRICT COURT

JUDICIAL

District of

PUERTO RICO

UNITED STATES OF AMERICA

V.

José Luis MORALES-RODRIGUEZ

aka "Josie"

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number:

02-CR-393-40 (PG)

Everett DE JESUS

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One (on 07/21/03)

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section

Nature of Offense

Date Offense
Concluded

Count
Number(s)

21:846=ND.F

Conspiracy to distribute narcotics.

09/26/02

One

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 582-85-4116

Defendant's Date of Birth: January 31, 1981

Defendant's USM No.: 23587-069

Defendant's Residence Address:

84 West, Vade Pérez Street

Borinquen Ward

Guayama, Puerto Rico 00784

Defendant's Mailing Address:

Same as above.

October 29, 2003

Date of Imposition of Judgment

Juan M. Perez-Gimenez
Signature of Judicial Officer

JUAN M. PEREZ-GIMENEZ, U. S. District Judge

Name and Title of Judicial Officer

October 29, 2003

Date

NOV 03 2003

A/c: 2 USM. 1 MDC
S/c: USM USPO. PTSO. PC

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DEFENDANT: José Luis MORALES-RODRIGUEZ
CASE NUMBER: 02-CR-393-40 (PG)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of EIGHTY FOUR (84) MONTHS. (This sentence is to be served concurrently with any sentence that he is presently serving in the state level.)

X The court makes the following recommendations to the Bureau of Prisons:
If the defendant is going to serve any part of the federal sentence in a federal institution, the Court recommends that it be in an institution located in the state of Florida.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

JOSE LUIS MORALES RODRIGUEZ
23587-069
METROPOLITAN DETENTION CENTER
P.O. BOX 2005
CATAÑO P.R. 00963-2005

" LEGAL MAIL "

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